

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES G. RIGBY, )  
Plaintiff, )  
 )  
v. )  
 )  
FIA CARD SERVICES, N.A., ) Civil Action No. 11-00373-KD-M  
d.b.a. BANK OF AMERICA, )  
Defendant. )

**ORDER**

This matter is before the Court on receipt of the mandate from the Court of Appeals for the Eleventh Circuit. Specifically, on December 21, 2011, this Court adopted the Report & Recommendation of the Magistrate Judge and dismissed the Plaintiff's Complaint. (Docs. 32, 33). Plaintiff appealed the ruling to the Eleventh Circuit. (Doc. 34). The Eleventh Circuit has now issued as mandate its judgment reversing this Court's dismissal of Plaintiff's FCBA, negligence and wantonness claims. (Docs. 39, 40). Accordingly, upon consideration, this case is **REFERRED** to the Magistrate Judge for entry of a Rule 16(b) Scheduling Order given the Eleventh Circuit's ruling.

**DONE** and **ORDERED** this the 30<sup>th</sup> day of **October 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**